



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD) No.14995 of 2021

R.M.Chinnasamy

... Petitioner

Vs

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.

3.Karupaiah

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the second respondent to remove the encroachment made by the third respondent in the channel running through in between Survey Nos.103 and 104 nearby Survey No.114/13A situated at Ponnamaravathi East Village, Ponnamaravathi Taluk, Pudukkottai District in the right of the direction given by the first respondent vide communication dated 30.12.2020 within a time fixed by this Court.

For Petitioner	: Mr.B.Prahalad Ravi
For Respondents	: Mr.B.Saravanan
1 and 2	Government Advocate

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that despite the petitioner complaining to the first respondent District Collector that the private respondent had encroached on a flowing water channel, no steps have been taken by the second respondent Tahsildar despite the Collector bringing the petitioner's complaint to the notice of the Tahsildar.

<https://hcservices.ecourts.gov.in/hcservices/>



2.Mr.B.Saravanan, learned Government Advocate, takes notice on behalf of the first and second official respondents. In view of the order proposed to be made, no notice is required to be issued to the private respondent.

WEB COPY

3.W.P(MD)No.14995 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation to the second respondent within a fortnight from date. Upon receipt of such written complaint, the second respondent will conduct an inquiry after giving notice to the petitioner and the private respondent in such regard. The second respondent will take a reasoned decision in the matter after hearing both the petitioner and the private respondent. Such speaking order of the second respondent should be made within eight weeks of the receipt of the petitioner's representation and the order should be communicated to the petitioner, the private respondent and any other person likely to be affected thereby.

4.Since the present order has not gone into the veracity of the allegations levelled against the private respondent and has also required the Tahsildar to issue notice to the private respondent before conducting an inquiry, it was not necessary to issue notice of the present petition to the private respondent before disposing the same of.

5.There will be no order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/RM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.

+1 CC to M/s.GP (SR-27192[F] dated 25/08/2021)

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-27481[F] dated
26/08/2021)

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MGJ(03.09.2021) 3P 5C